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Compilation on Zambia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies

2. In 2016, the Committee on the Rights of the Child recommended that Zambia consider ratifying the Convention on the Law Applicable to Maintenance Obligations of 1973,[1] and that it ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[2] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of Persons with Disabilities,[3] and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[4]

3. The United Nations country team noted that Zambia had not ratified the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.[5]

4. A human rights adviser to the United Nations resident coordinator and the United Nations country team had been deployed by OHCHR from 2014 to 2016.[6]

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III. National human rights framework[9]

5. The Committee on the Rights of the Child welcomed the adoption of the Constitution of Zambia (Amendment) Act 2016 and the audit and review of all child-related legislation and customary law through the Zambia Law Development Commission. It urged Zambia to implement that Act and adopt the Bill of Rights.[10]

6. The United Nations country team stated that the embedded Bill of Rights in Part III of the 1996 Constitution could not be amended through an Act of Parliament; that could only be accomplished through a national referendum. However, a referendum for that purpose held together with the 2016 general elections had failed to meet the required threshold with regard to voter turnout to validate the result. The proposed amendments to the 1996 Bill of Rights would have significantly enhanced the provision and protection of rights, particularly by including economic, social, cultural and special rights, as well as environment-related rights. The Constitution-amending process thus remained incomplete.[11]

7. The Committee on the Rights of the Child expressed concern that the Bill of Rights and the Children's Code Bill and their provisions regarding coordination had not yet been enacted.[12]

8. The same Committee urged Zambia to circulate and implement the National Child Policy and adopt the related National Plan of Action.[13]

9. The Committee expressed concern that the new Commissioner in the Office of the Commissioner for Children had not been appointed and that the effectiveness and capacity of the Office was limited by a lack of adequate human, technical and financial resources, as well as weak public awareness of its existence and mandate.[14]

10. In 2016, the Special Rapporteur on the rights of persons with disabilities recommended that Zambia conduct a comprehensive legislative review to fully harmonize the national legal framework with the provisions of the Convention on the Rights of Persons with Disabilities, including by revoking discriminatory provisions in the Constitution, the Penal Code, the Criminal Procedure Code, the Prisons Act, the Electoral Act and the Mental Disorders Act.[15]

11. The United Nations country team stated that the operations of the National Human Rights Commission were often adversely affected by the insufficient allocation of funds.[16]

12. In May 2017, the Special Rapporteur on the right to food stated that, as malnutrition was epidemic across most of Zambia, it was crucial that nutrition policies were comprehensive and targeted all forms of malnutrition, including micronutrient deficiency and obesity, and were adequately supported financially. Their impact should be assessed regularly based on relevant human rights indicators.[17]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[18]

13. The Committee on the Rights of the Child expressed concern that the principle of non-discrimination, particularly in relation to access to health and education, social and cultural practices, customary marriage disputes and inheritance, was not adequately implemented with regard to children belonging to the most vulnerable groups, such as girls, children with disabilities, children from religious minorities, children living with HIV/AIDS, migrant and refugee children, orphans and children born out of wedlock.[19]

14. The Special Rapporteur on the rights of persons with disabilities noted that discrimination based on HIV/AIDS status was widespread in Zambia.[20] For persons with

albinism, stigma and discrimination had an impact on their access to basic rights, such as health care and adequate housing.[21]

15. The United Nations country team stated that the public environment relating to lesbian, gay, bisexual, transgender and intersex persons remained largely hostile, particularly in some faith-based organizations. The Penal Code criminalized men having sex with men and anal sex in general. However, the National Aids Council, which managed the funds for capacity-building for key populations groups secured from the Global Fund to Fight AIDS, Tuberculosis and Malaria, had an adviser on lesbian, gay, bisexual, transgender and intersex persons.[22]

2. Development, the environment, and business and human rights[23]

16. In relation to large-scale agricultural industry, the Special Rapporteur on the right to food stated that it was vital that development plans took into account the true cost of export-orientated farming methods on human health, soil and water resources, as well as the impact of environmental degradation on future generations, rather than focusing on short-term profitability and economic growth. She highlighted the dangers of pesticide exposure for human health and the environment, and urged Zambia to ban the use of glyphosate, a highly toxic pesticide, in farming.[24]

17. The Committee on the Rights of the Child recommended the Zambia establish a clear regulatory framework for the mining industries operating in the country to ensure that their activities did not negatively affect or endanger environmental and other standards.[25]

B. Civil and political rights

1. Right to life, liberty and security of person[26]

18. While noting that no executions had been carried out since 1997, the United Nations country team stated that the death penalty had been retained in the amended Constitution. The United Nations country team encouraged Zambia to stimulate public debate on the death penalty with a view to its abolition.[27]

19. The Special Rapporteur on the rights of persons with disabilities stated that during her visit to Zambia in 2016, several persons with albinism had reported that they lived in constant fear of being attacked and killed for their body parts for use in witchcraft rituals by people who believed them to be ghosts or magical beings.[28]

20. The United Nations country team stated that most reported cases of torture involved the police or security officers in the course of their investigations as a way of obtaining confessions from suspects. Torture was not specifically criminalized in the Penal Code and as a result, physical forms of torture were often considered to be assault.[29] Zambia had ratified the Convention against Torture, but had not fully integrated the provisions of the Convention into the domestic legal framework. In 2013, the Government had commissioned the Human Rights Commission in collaboration with the Zambia Law Development Commission to draft a bill for that purpose, which was almost ready.[30]

21. The Committee remained concerned that police stations and prisons did not have separate cells for children, and that children were not adequately provided with education, health and recreation facilities. It urged Zambia to always separate children from adults in places of pretrial detention and in prisons.[31] It also urged Zambia to provide appropriate and adequate services and facilities in prisons for children staying with their incarcerated mothers.[32]

22. The United Nations country team stated that female inmates were disproportionately affected by poor sanitation conditions, as the correctional facilities in Zambia did not cater for the needs of women.[33]

2. Administration of justice, including impunity, and the rule of law

23. The United Nations country team stated that since 2015, the judiciary had initiated service-delivery orientation in the provision of justice, which had resulted in the reduction

of the backlog of cases in the Commercial and Supreme Courts. While some progress had been made in the High Court, a large backlog of cases remained in the Magistrates Courts.[34]

24. The United Nations country team stated that in 2016, pilot courts had been established in two provinces to fast-track the disposal of gender-based violence cases. That had enabled cases to be brought to trial in a timely manner and had reduced the number of cases that were withdrawn because of delays in the commencement of trials. Moreover, the expeditious conclusion of those cases reduced the opportunity to intimidate witnesses and victims.[35]

25. The Committee on the Rights of the Child remained concerned that children were not guaranteed legal representation and urged Zambia to ensure that the right of children to legal representation or other appropriate assistance was guaranteed and that the Legal Aid Board was adequately empowered with financial and human resources in order to establish a department for juvenile representation.[36] It also urged Zambia to provide the Department of Social Welfare with adequate financial and human resources to enable it to provide probation, aftercare services and a tracking system to monitor reoffending by juveniles.[37]

26. The same Committee remained concerned that the minimum age of criminal responsibility was set at 8 years and urged Zambia to increase it, in accordance with the Committee's general comment No. 10 (2007) on children's rights in juvenile justice.[38]

27. The Committee also remained concerned that detention of children was not used as a last resort and urged Zambia to ensure that detention was applied only as a measure of last resort, not for petty offences and for the shortest time possible, and was reviewed on a regular basis with a view to withdrawing it.[39]

28. The Committee expressed concern that during criminal proceedings, children who were victims or witnesses of crimes could be seen by the alleged perpetrator. It recommended providing protection to those children during the trial, including by not exposing them to the perpetrator, and repealing the legislation that allowed for the perpetrator to see them.[40]

29. The United Nations country team noted that in Zambia, customary law continued to coexist with statutory law. The dual legal system recognized Chiefs as custodians of tradition and culture with jurisdiction over customary law. Traditional courts were the main local and accessible mechanism for addressing disputes in many parts of the country. On matters of inheritance, where a deceased person had not left a will or where customary law was challenged, the Intestate Act was applicable. Consequently, increasing efforts were being made to ensure that the traditional courts and Chiefs could effectively guide communities on the provisions of statutory law that crossed into traditional or customary jurisdictions.[41]

3. Fundamental freedoms and the right to participate in public and political life[42]

30. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended decriminalizing defamation and providing for it in a civil code.[43] It also recommended enacting a law on freedom of information.[44]

31. The United Nations country team stated that the legal framework limited the extent to which the public could access information of public interest. The Access to Information Bill, which had been submitted to the National Assembly in 2015, but subsequently withdrawn, was expected to be back on the legislative agenda in 2017.[45]

32. In relation to freedom of assembly, the United Nations country team stated that there was generally poor public awareness of the provisions and the intention of the Public Order Act. For many years, it had been used to control and prevent access to public space rather than provide for the safe use of that space.[46]

33. While noting the measures taken by the Government to promote the empowerment of women, including the Zambian Women Parliamentarians Caucus, the United Nations country team recommended increasing the representation of women in leadership positions.[47]

4. Prohibition of all forms of slavery[45]

34. The Committee on the Rights of the Child was concerned at the increase in the number of children, especially girls and children in a disadvantaged situation, who were victims of commercial exploitation, including prostitution. It recommended that Zambia fully and effectively implement the Anti-Human Trafficking Act No. 11 of 2008 and ensure effective investigations into cases of sale, trafficking and abduction of children and the prosecution and sanctioning of the perpetrators.[49]

5. Right to privacy and family life

35. While noting that there was a formal adoption system in place, the Committee on the Rights of the Child recommended that Zambia promote and encourage formal domestic and intercountry adoptions in order to prevent the practice of informal adoption and protect children's rights.[50]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[51]

36. The United Nations country team stated that, while perpetrators of sexual harassment in the private and public sectors had been prosecuted, employers in such cases had not been held accountable for failure to protect women employees.[52]

2. Right to social security

37. The Special Rapporteur on the right to food stated that in 2017, social protection had received around 4.2 per cent of the national budget, a relatively low figure considering the levels of poverty and marginalization in Zambia. The National Social Protection Policy provided the policy and strategic framework for a comprehensive and coordinated social protection programme. The Social Cash Transfer Programme appeared to have made a significant impact, increasing the number of meals that families could eat per day. Continued, detailed and regular monitoring and evaluation of the National Social Protection Policy and the Social Cash Transfer Programme were imperative to determine their impact on nutrition.[53]

3. Right to an adequate standard of living[54]

38. The Special Rapporteur on the right to food stated that the impressive economic growth in Zambia had not translated into significant poverty reduction. Around 60 per cent of the population lived below the poverty line and 42 per cent were considered to be living in situations of extreme poverty.[55]

39. The Special Rapporteur noted that access to adequate and nutritious food continued to be a challenge across most of the country, with women and children in rural areas being the worst affected. Forty per cent of children under the age of 5 were stunted, which was of grave concern since the effects of undernourishment were irreversible. Pregnant women were particularly vulnerable to malnutrition. Poor nutrition of mothers before and during pregnancy and while breastfeeding had a direct impact on child development.[56]

40. The Special Rapporteur recommended extending the home-grown school feeding programme to cover the entire school population, including schools in remote areas and in refugee settlements.[57]

41. She noted that under the dual land tenure system, there was a lack of protection for smallholder farmers in terms of securing their access to land. In a situation where the protection of access to land was weak and large-scale land acquisition for commercial agriculture occurred, the Government's push to turn export-oriented commercial large-scale agriculture into a driving engine of the economy could risk pushing peasants off their land and out of production, which would have a severe impact on their right to food. The Special Rapporteur found that particularly worrying, considering that smallholder farmers

accounted for almost 60 per cent of the population and were dependent on land for their subsistence and livelihoods.[58]

42. She stated that the dual land tenure system had also resulted in a situation in which some landholders on State land enjoyed the full protection of their property rights, while those under customary tenure were essentially considered to be occupants or users and did not therefore enjoy the protection of their property and land rights. Under customary tenure, there was a lack of commonly agreed documentation to secure customary land at the family, village and chiefdom levels. The Special Rapporteur encouraged Zambia to adopt a gender-sensitive, inclusive national land policy based on human rights principles.[59]

4. Right to health[60]

43. The Committee on the Rights of the Child recommended that Zambia implement the revised National Health Policy and National Decentralization Policy, assess and follow-up on the National Health Strategic Plan 2011-2015, and provide it with an update on the legislation on the social health insurance scheme.[61]

44. The same Committee was concerned that health services remained inadequate in terms of coverage and quality. It recommended that Zambia strengthen efforts to allocate appropriate human, technical and financial resources for health care for children.[62]

45. The Committee was concerned that reported under-5 mortality, infant mortality and neonatal mortality rates remained high, and that under-5 mortality was largely a result of preventable diseases, including pneumonia, malaria, diarrhoea, anaemia and malnutrition. It recommended strengthening efforts to reduce infant and child mortality, especially by focusing on preventive measures and treatment, improved nutrition and sanitary conditions, vaccination uptake and the management of preventable diseases and malaria.[63] It also recommended strengthening health interventions for newborn babies, strengthening skilled birth attendance, achieving a higher rate of antenatal care visits and ensuring a sufficient number of functional emergency obstetric neonatal care facilities, particularly in rural areas.[64]

46. The Committee was concerned by the high number of teenage pregnancies and unsafe abortions, the lack of adolescent-sensitive and confidential counselling services and support, the difficult access for adolescent girls to reproductive health care and information, and inadequate functional emergency obstetric neonatal care facilities and untrained staff.[65]

47. The Committee was also concerned at the lack of information on mental health programmes and services for adolescents.[66]

48. The Committee expressed concern at the high prevalence of HIV/AIDS among children, particularly adolescents, and at the fact that girls might be particularly susceptible to infection owing to the belief that intercourse with a virgin cured infection and due to the persistence of unequal power relations between men and women, which might hamper the ability of women and girls to negotiate safe sexual practices.[67]

49. The United Nations country team stated that, in addition to the burden of HIV/AIDS, tuberculosis and malaria, Zambia was experiencing a major increase in non-communicable diseases, including cardiovascular diseases, diabetes, cancer and chronic respiratory diseases, which had been prompted in part by inadequate information and the absence of infrastructure for healthy lifestyles.[68]

5. Right to education[69]

50. UNESCO stated that access to education remained a considerable challenge due to the limited school places and the backlog of children yet to enter the school system, particularly in rural areas.[70] It made recommendations, including that Zambia be strongly encouraged to ratify the Convention against Discrimination in Education and that it effectively implement its Education Act and educational policies.[71]

51. The Committee on the Rights of the Child was concerned at reports that general purpose funds and other fees and school charges were collected through parent-teacher associations. It was also concerned at the poor school infrastructure, the lack of hygiene and

the long distances pupils had to travel to school, the insufficiently trained teachers and the inadequate budget allocation for education. It recommended that Zambia ensure that primary education was free of charge in practice and free of other, additional costs in order to facilitate the participation of all children in primary education, and that it monitor parent-teacher associations to ensure that no fees were imposed on children.[72]

52. The same Committee was concerned about the lack of recreational activities organized for children during school time and the lack of leisure and playground spaces freely available to children. It recommended that Zambia organize sports activities and ensure that children, particularly girls, had time for leisure and play, as well as free access to playground spaces.[73]

53. UNESCO noted that Zambia had enacted the Higher Education Act (2013) and the Higher Education Loans and Scholarship Act (2016). It also noted that the Sixth National Development Plan (2011-2015) included school feeding programmes, social cash transfers, legal and policy reforms and advocacy programmes to promote school attendance.[74]

54. UNESCO stated that proactive policies and strategies had been introduced for the enrolment, retention and progression of girls at the primary school level, which included a re-entry policy for girls who fell pregnant, and the promotion of equal learning opportunities for all.[75] However, access to education for girls continued to be a challenge because of early marriage, teenage pregnancy and discriminatory traditional and cultural practices.[76]

55. UNESCO stated that education on HIV and AIDS had been integrated in the curriculum with a focus on knowledge-driven interventions under the broad framework of life and survival skills.[77]

56. UNESCO noted that Zambia had invested in early childhood development and education, which had led to the development of a specific curriculum and the construction of early childhood education centres.[78]

D. Rights of specific persons or groups

1. Women[79]

57. The United Nations country team stated that the unsuccessful referendum, which had resulted in the proposed Bill of Rights not being adopted, had created some legal and constitutional inconsistencies due to the fact that the 1996 Bill of Rights remained in force. One such inconsistency resulted from article 23 of the 1996 Bill of Rights, which allowed for discrimination against women in matters of adoption, marriage, divorce, burial, devolution of property on death and other matters of personal law. Such discrimination generally occurred as a result of the application of traditional or customary practices or law. The continued existence of that derogation under article 23 was in direct conflict with article 1 (1) of the Constitution, which provided that the Constitution took precedence over all other written laws, customary laws and customary practices and rendered them void to the extent of the inconsistency. Arguably, application of article 23 could be tested through the Constitutional Court against article 1 (1) and its applicability nullified. However, because the Bill of Rights was embedded and could be amended only through national referendum, the wording of article 23 itself would remain extant until the revised Bill of Rights was adopted by a future referendum.[80]

58. In 2015, the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the sale of children, child prostitution and child pornography urged the Government to show that it was serious in its efforts to tackle gender-based violence and sexual violence against women and girls by ending the impunity of the singer Clifford Dimba, who had been convicted in 2014 for the rape of a 14-year-old girl and sentenced to 18 years in prison. He had been pardoned by President Lungu after serving one year of his sentence and had subsequently been appointed as an ambassador in the fight against gender-based violence. The Special Rapporteurs called on the Government to publicly withdraw Mr. Dimba's appointment and to ensure that there would be no further pardons for such crimes against woman and girls.[81]

2. Children[82]

59. The Committee on the Rights of the Child expressed concern that, despite the new Constitution (Amendment) Act defining a child as any person who had not attained the age of 18, and the Marriage Act establishing the legal age for marriage as 21 years of age, there remained a persistent practice of child marriage.[83]

60. The United Nations country team stated that there was a need to harmonize religious and customary law with the provisions of the Convention on the Rights of the Child to prevent discrimination against girls.[84]

61. The Committee on the Rights of the Child expressed concern that, while children between the ages of 13 and 15 years were permitted by law to engage in light work, they undertook work that was reportedly not light and that interfered with their education. The Committee urged Zambia to step up its efforts to bring an end to all forms of child labour and to take all necessary measures for the protection, rehabilitation and reintegration of children, and to fully implement the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization by adopting, implementing and monitoring the implementation of the regulation that permitted the employment of children in light work.[85]

62. The Special Rapporteur on the right to food stated that the root causes of child labour, which were embedded in the contract farming system, must be tackled and labour-intensive agricultural practices carefully monitored.[86]

3. Persons with disabilities

63. The United Nations country team stated that, while the Convention on the Rights of Persons with Disabilities had been domesticated with the enactment of the Persons with Disabilities Act No. 6 of 2012, several pieces of subsidiary legislation needed to be aligned with the Act and with international standards.[87]

64. The Special Rapporteur on the rights of persons with disabilities recommended that Zambia carry out public awareness-raising campaigns on the rights of persons with disabilities, sensitize the media on the promotion of a positive image of disability and dispel attitudinal barriers and stigma.[88] She also recommended that Zambia prevent and sanction all forms of discrimination against persons with disabilities, including by raising awareness and monitoring the use of discriminatory language against persons with disabilities in the media.[89]

65. The Committee on the Rights of the Child recommended that Zambia ensure that children with disabilities had access to inclusive early childhood care and education, early development programmes and health-care and other services, and that those services received adequate human, technical and financial resources.[90]

66. The Special Rapporteur on the rights of persons with disabilities recommended that Zambia adopt a plan to implement an inclusive education system through adjustments to the physical environment, adaptation of educational materials and learning methodologies and teacher training, and provide the necessary support and accommodation for all students with disabilities.[91]

67. She also recommended that Zambia allocate and disburse sufficient funds for the implementation of social protection programmes for persons with disabilities, and mainstream disability in all existing social protection programmes.[92]

68. She further recommended that Zambia guarantee the exercise of legal capacity to all persons with disabilities by repealing all forms of formal and informal substituted decision-making, support initiatives to implement supported decision-making regimes, including ongoing projects developed by representative organizations of persons with disabilities, and take immediate measures to stop forced institutionalization, forced treatment and forced sterilization of persons with psychosocial disabilities.[93]

69. In addition, she recommended that Zambia repeal all provisions that denied access to justice to persons with intellectual and psychosocial disabilities, and make all justice proceedings accessible to all persons with disabilities, including through the provision of

legal aid and of information in accessible formats, sign language interpretation and protocols for procedural and age-appropriate accommodation.[94]

4. Migrants, refugees, asylum seekers and internally displaced persons

70. Referring to the relevant supported recommendation from the second cycle of the universal periodic review,[95] the Office of the United Nations High Commissioner for Refugees (UNHCR) stated that the 2016 Refugee Bill, which was waiting to be tabled before Parliament and enacted into law, made provision for a refugee status determination procedure. Although the bill was a significant improvement from the 1970 Refugee Control Act, it retained the encampment policy and restrictions on freedom of movement, limitations on refugees' right to work, restrictions on their freedom of association and expression, and the requirement to submit an asylum application within seven days of entry into the country, all of which were of concern. Furthermore, it did not provide legal and procedural safeguards for all asylum seekers during the refugee status determination procedure and did not specify the content of refugee protection applicable to all refugees, including child-specific provisions. UNHCR made recommendations, including that the Government ensure that the bill was in conformity with international standards.[96] The Committee on the Rights of the Child recommended that Zambia expedite the enactment of the Refugee Bill and strengthen the legal protection of refugee children.[97]

71. The same Committee urged Zambia to provide refugee children with access to social services, such as health and education.[98]

72. Referring to the relevant supported recommendations from the second review cycle,[99] UNHCR stated that although Zambia had made reservations to article 22 of the 1951 Convention relating to the Status of Refugees concerning refugees' access to education, in practice, refugee children were given access to primary and secondary education. However, several barriers in access to education for refugee children existed, including the ever-rising cost of education and the need for children, particularly those in secondary and tertiary education, to acquire an expensive study permit. Although primary education was free in government schools, indirect education costs hindered access to primary education. There were also limited places in government schools, with priority given to Zambian children at the time of enrolment. The majority of urban refugee children were forced to enrol in community schools, which required payment of fees and often did not meet national education standards.[100]

73. UNHCR stated that, although the Immigration and Deportation Act (2010) provided for alternatives to detention through the issuance of asylum seeker permits or report orders, in practice, those provisions were rarely implemented. The lack of individualized assessments by the immigration authorities and the systematic consideration of a risk of absconding resulted in the continued detention of children and their families, as well as of unaccompanied and separated children.[101]

74. UNHCR noted that asylum seekers and refugees were being detained together with the general criminal population in facilities that had been established for the criminal justice system.[102] Asylum seekers who were detained in facilities that were not regularly monitored by UNHCR were not easily identified and had difficulties in accessing the asylum procedure. While national legislation provided for the right to legal representation, that right was rarely exercised as there were few lawyers employed by the Government who were available to provide free legal representation to detained refugees and asylum seekers.[103]

75. The United Nations country team stated that, while improvements had been made in that migrant children were not detained for immigration offences, they were given limited access to interpretation and other services.[104]

76. UNHCR stated that, due to the encampment policy, refugees required an urban resident permit to live outside of the two designated refugee settlements. As those permits were granted on limited grounds, thousands of recognized refugees lived in urban areas without such permits. As a consequence, they did not have access to basic services and were at risk of exploitation.[105]

77. UNHCR also stated that refugees seeking paid or self-employment had to apply to the immigration authorities through a process that was complex and expensive.[106]

5. Stateless persons[107]

78. Referring to the supported recommendation from the second review cycle on access to free birth registration,[108] UNHCR stated that despite the Government's efforts, the administrative practices for birth registration remained lengthy and complex. The process was slow and had resulted in a backlog of applications. Applicants often had to travel long distances to the district registration offices to apply for and collect birth certificates. Refugees residing without legal status in urban areas did not have access to birth registration because they needed a valid refugee identity document to apply for a birth certificate. Moreover, a birth record from a health centre was a prerequisite for the issuance of a birth certificate.[109]

79. While noting that measures had been put in place to promote free birth registration, the Committee on the Rights of the Child expressed concern about the birth registration system. It recommended that Zambia strengthen its efforts to develop and implement free birth registration procedures and the issuance of birth certificates with a special focus on children in rural areas and children from marginalized groups, such as refugee children.[110]

80. UNHCR stated that a study commissioned by Zambia, which had been completed in December 2016, had found that it was unclear who was responsible for the identification and protection of stateless persons.[111]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Zambia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/ZMIndex.aspx.
2 For relevant recommendations, see A/HRC/22/13, paras. 102.7, 102.9, 102.11, 102.14, 102.16-102.19, 103.1, 103.3-103.9, 103.18, 103.31-103.32 and 103.46.
3 See CRC/C/ZMB/CO/2-4, paras. 41-42.
4 Ibid., para. 67.
5 See also A/HRC/34/58/Add.2, para. 81 (a).
6 See CRC/C/ZMB/CO/2-4, para. 68.
7 See United Nations country team submission to the universal periodic review of Zambia, para. 2.
8 See OHCHR, "OHCHR's approach to field work", in *OHCHR Report 2014*, p. 143, and "OHCHR in the field: Africa", in *OHCHR Report 2016*, p. 161.
9 For relevant recommendations, see A/HRC/22/13, paras. 102.1, 102.3-102.4, 102.6, 102.8, 102.12, 102.15, 102.48, 102.52, 102.64, 103.10, 103.14-103.16, 103.20-103.24 and 103.33.
10 See CRC/C/ZMB/CO/2-4, paras. 7-8.
11 See country team submission, para. 4.
12 See CRC/C/ZMB/CO/2-4, paras. 11-12.
13 Ibid., paras. 9-10.
14 Ibid., paras. 17-18.
15 See A/HRC/34/58/Add.2, para. 81 (b).
16 See country team submission, para. 13.
17 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21605&LangID=E.
18 For relevant recommendations, see A/HRC/22/13, paras. 102.43, 103.12-103.13 and 103.35.
19 See CRC/C/ZMB/CO/2-4, paras. 25-26.
20 See A/HRC/34/58/Add.2, para. 29.
21 Ibid., para. 28.
22 See country team submission, para. 29.
23 For the relevant recommendation, see A/HRC/22/13, para. 102.68.
24 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21605&LangID=E.
25 See CRC/C/ZMB/CO/2-4, paras. 21-22.
26 For relevant recommendations, see A/HRC/22/13, paras. 102.5, 102.22, 102.35-102.41 and 103.37-103.45.
27 See country team submission, para. 33.
28 See A/HRC/34/58/Add.2, para. 28.
29 See country team submission, para. 32.
30 Ibid.

[31] See CRC/C/ZMB/CO/2-4, paras. 63-64.
[32] Ibid., para. 64.
[33] See country team submission, para. 35.
[34] Ibid., para. 12.
[35] Ibid., para. 19.
[36] See CRC/C/ZMB/CO/2-4, paras. 63-64.
[37] Ibid.
[38] Ibid.
[39] Ibid.
[40] Ibid., paras. 65-66.
[41] See country team submission, para. 10.
[42] For relevant recommendations, see A/HRC/22/13, paras. 102.44 and 103.51-103.53.
[43] See UNESCO submission to the universal periodic review of Zambia, para. 23.
[44] Ibid., para. 24.
[45] See country team submission, para. 40.
[46] Ibid., para. 37.
[47] Ibid., para. 22.
[48] For relevant recommendations, see A/HRC/22/13, paras. 102.2, 102.42, 102.69 and 103.11.
[49] See CRC/C/ZMB/CO/2-4, paras. 61-62.
[50] Ibid., paras. 43-44.
[51] For the relevant recommendation, see A/HRC/22/13, para. 102.45.
[52] See country team submission, para. 50.
[53] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21605&LangID=E.
[54] For the relevant recommendation, see A/HRC/22/13, para. 102.46.
[55] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21605&LangID=E.
[56] Ibid.
[57] Ibid.
[58] Ibid.
[59] Ibid.
[60] For relevant recommendations, see A/HRC/22/13, paras. 102.10, 102.47, 102.49-102.62 and 104.1.
[61] See CRC/C/ZMB/CO/2-4, paras. 47-48.
[62] Ibid.
[63] Ibid.
[64] Ibid.
[65] Ibid., paras. 49-50.
[66] Ibid.
[67] Ibid., paras. 51-52.
[68] See country team submission, para. 41.
[69] For relevant recommendations, see A/HRC/22/13, paras. 102.63, 102.65-102.67 and 102.70.
[70] See UNESCO submission, para. 22.
[71] Ibid., para. 22.
[72] See CRC/C/ZMB/CO/2-4, paras. 53-54.
[73] Ibid.
[74] See UNESCO submission, para. 15.
[75] Ibid., para. 21.
[76] Ibid., para. 22.
[77] Ibid., para. 19.
[78] Ibid., para. 16.
[79] For relevant recommendations, see A/HRC/22/13, paras. 102.27-102.29, 102.30-102.34, 103.17, 103.19, 103.27-103.29, 103.34 and 103.47-103.49.
[80] See country team submission, para. 8.
[81] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16913&LangID=E.
[82] For relevant recommendations, see A/HRC/22/13, paras. 102.13, 102.20-102.21, 102.23-102.26, 103.25-103.26, 103.30, 103.36 and 103.50.
[83] See CRC/C/ZMB/CO/2-4, paras. 23-24.
[84] See country team submission, para. 17.
[85] See CRC/C/ZMB/CO/2-4, paras. 57-58.
[86] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21605&LangID=E.
[87] See country team submission, para. 47.
[88] See A/HRC/34/58/Add.2, para. 82 (a).
[89] Ibid., para. 82 (b).
[90] See CRC/C/ZMB/CO/2-4, paras. 45-46.
[91] See A/HRC/34/58/Add.2, para. 85 (a).
[92] Ibid., para. 86.

[91] Ibid., para. 88.
[92] Ibid., para. 89.
[93] See A/HRC/22/13, para. 103.30 (Argentina).
[94] UNHCR submission to the universal periodic review of Zambia, pp. 2-3. See also A/HRC/22/2, paras. 677 and 702.
[95] See CRC/C/ZMB/CO/2-4, paras. 55-56.
[96] Ibid.
[97] See A/HRC/22/13, para. 102.65 (Algeria) and para. 102.67 (Mexico).
[98] UNHCR submission, pp. 3-4.
[99] Ibid., p. 4.
[100] Ibid., p. 5.
[101] Ibid., p. 5.
[102] See country team submission, para. 34.
[103] UNHCR submission, p. 5.
[104] Ibid., p. 6.
[105] On the relevant recommendations, see A/HRC/22/13, para. 103.94.
[106] See A/HRC/22/13, para. 103.94 (Mexico), and A/HRC/22/2, paras. 677 and 702.
[107] UNHCR submission, p. 8.
[108] See CRC/C/ZMB/CO/2-4, paras. 31-32.
[109] UNHCR submission, p. 6.